

E-filed 2/17/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELECTRONIC FRONTIER FOUNDATION,

No. C 10-4892 RS

v.
Plaintiff,

**ORDER RE FURTHER MEET AND
CONFER**

DEPARTMENT OF JUSTICE,

Defendant.

19 Good cause appearing, it is hereby ordered that counsel for the parties shall engage in further
20 in-person or telephonic meet and confer negotiations to attempt to arrive at a mutually-agreeable
21 schedule under which documents responsive to the Freedom of Information Act requests at issue
22 will be produced, or at least to narrow their disputes. The negotiations should include considering
23 whether there is a way to address plaintiff's stated concern that it still lacks certainty or clarity as to
24 whether defendant intends to produce any documents at all with respect to the second request. In
25 attempting to reach an agreement, the parties should bear in mind that any schedule the Court may
26 impose is unlikely to be tailored as specifically to any particular concerns or issues either side may
27 have, and as a practical matter may therefore be less satisfactory to either or both sides than a
28 negotiated compromise.

1 No later than February 28, 2011, the parties shall submit a joint report to the Court regarding
2 the results of their negotiations. In the event they have not reached agreement, the report should set
3 out (1) the latest status of any productions already made, (2) defendant's best good faith offer of
4 compromise as to a schedule completing the production, and (3) plaintiff's best good faith demand
5 as to what it would be willing to accept in compromise. Neither defendant's offer nor plaintiff's
6 demand shall prejudice the positions they each have taken as to what their respective legal
7 obligations and rights are in this matter. In the meantime, plaintiff's motion for partial summary
8 judgment will remain under submission.

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10 IT IS SO ORDERED.
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13 Dated: 2/17/11
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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE